

Call with Roger G., Tom H, and Tim V. re: Bay Delta 9 JAN 2014

Roger: Reviewing correspondence from Cynthia to Ken: “We still owe administrator our ‘ask’ for DOI.” Gina M. wants to make a high-level “ask” to Sally J. to significantly advance our progress on Bay Delta matters. Right now, they’re focused on the BDCP. Can the Administrator help?

Tom: Recalling the conversation with Roger in DEC 2013; underneath the “ask” being teed-up by the Administrator lies a two part question: Part 1 (a) How do we successfully navigate the NEPA rating process for BDCP? Regarding the numerical rating, R9 might propose Ex. 5 - Deliberative because the DEIS does not address the substantive issues EPA detailed in July 2013. Furthermore, the DEIS does not address a “list” of outstanding issues generated by the lead federal agencies (FWS and NMFS), but they allowed for the publication to proceed anyway for the DEIS in DEC 2013. Regardless of DWR’s position to the contrary, a supplementary NEPA document will be needed. Regarding a letter rating, Region 9 might propose at Ex. 5 - Deliberative because the proposed project could lock-in permanent violations of WQS (per CWA Section 303). Part 1(b) What can we do to make BDCP better or workable?

Roger: EPA needs company at the federal level when raising concerns about the BDCP. Mark Schaeffer (NMFS) has indicated to Ken and N. Sutley that NMFS has technical concerns, but these have not been voiced in a “Deputies” meeting. What would constitute a “bold” ask between Gina and Sally?

Tim: A bold “ask” would be asking DOI to:

- (I) commit to adding the “Portfolio Approach” to the Range of Alternatives in a Revised DEIS, and giving it an honest evaluation (the approach was summarily dismissed by the CA Natural Resources Agency when it was first proposed);
- (II) Wait for SWRCB to update the Bay Delta Water Quality Control Plan before joining with DWR to apply for a “change in the point of diversion” – a requirement for diverting water through the twin tunnels or new canals proposed under the BDCP; and
- (III) revive and fully fund USBR’s Land Retirement Program to remove from cultivation and irrigation a large expanse of selenium (Se) laden lands on the “Westside” of the SJV. This would save irrigation water and eliminate discharges of Se into the SJR basin, and advance Se reduction targets set by EPA and the Regional Water Board (C.V.). Furthermore, if USBR advance the restoration of these “retired” lands to the native plant community, it could contribute to the recovery of T&E plants and animals listed by FWS (see also EPA).

Tom: The “BDCP+” is not a bold step, it basically itemizes work we’re already doing. Whenever we experience a drought in CA, DWR calls for SWRCB to suspend WQS. Next week, the CA Water Action Plan being unveiled, and USBR is asking the other federal agencies to sign on to a “statement of support” for the State’s Action Plan. **Roger:** RG working on Ntl. Drought Resilience Partnership, and he suggests R9 engage with NOAA’s western contact, Roger Pulwarty. A good contact in DC for making headway on conservation goals is Ann Mills at USDA-NRCS.

Tom/Tim: In the 1990s, Tom participated in meetings with DOI where land retirement was discussed for 100,000 acres of Se laden lands (corresponding to 200,000 AF of irrigation water). Drainage and water supply problems are most acute on the West Side of the SJV; and there’s an ongoing need for investment in land retirement. Regarding the immediate concerns for the drought of 2013-2014, search our records for the CA drought “Toolbox” from the 1990s, and see if there’s anything useful that could be applied to the current situation. The toolbox contained a range of one-time transactions (e.g., water transfers). A more recent drought toolbox was developed by the Colorado Water Conservation Board.